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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
8 AT RICHLAND

9 LETICIA CARTER,

Plaintiff,

10 v.

11 BENTON COUNTY, a Washington
State municipal corporation; "DOE(S)
12 1-100" employees of BENTON
COUNTY; and "CORPORATION(S)
13 XYZ 1-100,"

14 Defendants.

Case No.

COMPLAINT

[JURY TRIAL DEMANDED]

15 COMES NOW the Plaintiff Leticia Carter, by and through her counsel of record,
16 in the above-entitled matter complains and alleges as follows:

17 **I. PARTIES**

18 1. Plaintiff Leticia Carter ("Plaintiff") is an adult citizen and resident of
19 Benton County and resided therein at all times material to this Complaint.
20

Complaint

CARTER V. BENTON COUNTY, ET AL. - 1

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1 jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367.

2 8. Venue is proper under 28 U.S.C. § 1391 because Defendant Benton
3 County operates their business in Benton County, Washington, and a substantial part of
4 the events or omissions giving rise to the claim occurred in Benton County, which is
5 within the district of the Eastern District of Washington at Richland.

6 9. On or about March 25, 2023, Plaintiff filed Charge No. 551-2023-02996
7 with the United States Equal Employment Opportunity Commission ("EEOC") alleging
8 discrimination on the basis of disability and retaliation against Defendant. At Plaintiff's
9 request, on May 9, 2024, EEOC issued Plaintiff a Notice of Right to Sue, authorizing
10 Plaintiff to "file a lawsuit against the respondent(s) on this charge under federal law in
11 federal or state court" within 90 days.

12 10. On or about February 15, 2024, Plaintiff filed a Tort Claim Form with
13 Benton County.

14 **III. FACTS**

15 11. Plaintiff hereby incorporates by reference all allegations contained in
16 paragraphs 1 through 10, above.

17 12. On or about December 5, 2022, Plaintiff Leticia Carter was hired as a
18 Permit Technician by Defendant Benton County.

19 13. Plaintiff's beginning wage with Benton County was \$24.13, plus benefits.
20

1 14. Defendant Benton County terminated Plaintiff Carter on or about February
2 6, 2023.

3 15. On or about January 4, 2023, Plaintiff met with Planning Manager
4 Michelle Cooke to check in on her work progress.

5 16. Planning Manager Cooke made positive comments to Plaintiff regarding
6 her work performance.

7 17. On or about January 13, 2023, Plaintiff requested to speak with Planning
8 Manager Cooke, at which time she disclosed that she had a disability which was
9 impacting her training and that she would be seeking accommodations.

10 18. Plaintiff did not disclose what her specific diagnosed disability was with
11 Planning Manager Cooke at that time.

12 19. Planning Manager Cooke stated that she thought this disability may affect
13 the job requirements and Plaintiff's performance.

14 20. Planning Manager Cooke continued to state that she had not previously
15 worked with someone who had a disability and did not want to handle this situation,
16 and instructed her to contact Human Resources instead.

17 21. Plaintiff was disappointed in the way that Planning Manager Cooke
18 seemed to be put off by her disability but remained hopeful that Human Resources
19 would be helpful.
20

1 22. On or about January 20, 2023, Plaintiff received an email from the Human
2 Resources department which included a Fitness for Duty Certification form for her to
3 complete and return by February 6, 2023.

4 23. On Tuesday, January 31, 2023, Plaintiff emailed the completed Fitness for
5 Duty Certification form to Human Resources.

6 24. Plaintiff's physician, Monica Mendoza, PA-C, completed the Fitness for
7 Certification form and detailed that Plaintiff may require time, approximately 10
8 minutes at a time, "to take deep breaths and develop coping skills if she develops
9 anxiety or panic attacks," and noted this as a permanent accommodation request.

10 25. PA-C Mendoza also confirmed Plaintiff's disability of anxiety and panic
11 attacks.

12 26. Human Resources found Plaintiff's accommodation requests to be
13 reasonable.

14 27. That following Monday, February 6, 2023, Plaintiff was waiting for her
15 scheduled meeting with Planning Manager Cooke.

16 28. Planning Manager Cooke and Planning Manager Greg Wendt walked into
17 the conference room where Plaintiff was waiting.

18 29. Planning Manager Cooke began the meeting by telling Plaintiff that it was
19 not working out and that she was not meeting expectations.

1 30. Plaintiff asked why this was happening and Planning Manager Cooke's
2 response was simply, "It's not working out."

3 31. Defendant Benton County fired Plaintiff Carter immediately and without
4 warning.

5 32. Plaintiff left the room feeling gutted and blindsided by this termination as
6 Planning Manager Cooke had not raised any areas of concern or performance issues
7 with her previously.

8 33. Plaintiff believes that Defendant Benton County fired her because of her
9 disability and requesting reasonable accommodations.

10 **IV. FIRST CAUSE OF ACTION**

11 **(AMERICANS WITH DISABILITIES ACT –**
12 **DISABILITY DISCRIMINATION)**

13 34. Plaintiff hereby incorporates by reference all allegations contained in
14 paragraphs 1 through 33, above.

15 35. Plaintiff is a qualified individual with a disability that limited her major
16 life activities.

17 36. Defendant Benton County treated Plaintiff differently in terms and
18 conditions of her employment on the basis of the presence of a disability, her record of
19 disability, and/or because it regarded Plaintiff as disabled, in violation of the Americans
20

1 with Disabilities Act of 1990, as amended, and Americans with Disabilities
2 Amendments Act of 2008, 29 U.S.C. §§ 12101 *et seq.* (collectively “ADA”).

3 37. As a direct and proximate cause of Defendants’ deliberate actions,
4 including termination and/or constructive discharge of Plaintiff, Plaintiff incurred non-
5 economic and economic damages, including but not limited to lost wages, future wage
6 loss, other benefits, loss of earning capacity, mental distress, physical damages,
7 emotional distress and pain and suffering in an amount to be proven at trial.

8 38. The conduct of Defendants, and each of them, was done in reckless and
9 conscious disregard of Plaintiff’s statutory rights and in conscious disregard of the pain
10 and suffering it was bound to inflict upon Plaintiff for which an award of punitive
11 damages is mandated against each Defendant.

12 39. All Defendants are liable for said conduct under both vicarious liability
13 and on an agency relationship.

14 **SECOND CAUSE OF ACTION**

15 **(WLAD – DISABILITY DISCRIMINATION)**

16 40. Plaintiff hereby incorporates by reference all allegations contained in
17 paragraphs 1 through 39 above.

1 activities in violation of Americans with Disabilities Act, 29 U.S.C. §§ 12101 *et seq.*

2 48. As a direct and proximate cause of Defendant's actions, including
3 termination of Plaintiff, Plaintiff incurred non-economic and economic damages,
4 including but not limited to lost wages, future wage loss, loss of health and other
5 benefits, loss of earning capacity, mental distress, physical damages, emotional distress,
6 and pain and suffering, in an amount to be proven at trial.

7 49. The conduct of Defendants was done in reckless and conscious disregard
8 of Plaintiff's statutory rights and in conscious disregard of the pain and suffering it was
9 bound to inflict upon Plaintiff for which an award of punitive damages is mandated
10 against each Defendant.

11 50. All Defendants are liable for said conduct under both vicarious liability
12 and on an agency relationship.

13 **FOURTH CAUSE OF ACTION**

14 **(WLAD – RETALIATION)**

15 51. Plaintiff hereby incorporates by reference all allegations contained in
16 paragraphs 1 through 50, above.

17 52. Defendants terminated Plaintiff in retaliation for her protected activities in
18 violation of the Washington Law Against Discrimination ("WLAD").

19 53. As a direct and proximate cause of Defendants' deliberate actions,
20

1 including termination of Plaintiff, Plaintiff incurred non-economic and economic
 2 damages, including but not limited to lost wages, future wage loss, loss of health and
 3 other benefits, loss of earning capacity, mental distress, physical damages, emotional
 4 distress, and pain and suffering, in an amount to be proven at trial.

5 54. All Defendants are liable for said conduct under both vicarious liability
 6 and on an agency relationship.

7 **FIFTH CAUSE OF ACTION**

8 **(WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY)**

9 55. Plaintiff hereby incorporates by reference all allegations contained in
 10 paragraphs 1 through 54, above.

11 56. A common law wrongful discharge in violation of public policy claim may
 12 be predicated on an employer's conduct contradicting the clearly articulated public
 13 policy against discrimination declared in the WLAD. *See Roberts v. Dudley*, 140
 14 Wn.2d 58, 77 (2000).

15 57. A common law wrongful discharge in violation of public policy claim may
 16 be predicated on an employer's conduct contradicting the clearly articulated public
 17 policy.

18 58. Defendant Benton County wrongfully discharged and/or constructively
 19 discharged Plaintiff for requesting an accommodation in violation of the public policies
 20

1 declared in the WLAD.

2 59. As a direct and proximate cause of Defendant's wrongful discharge and/or
3 constructive discharge of Plaintiff, Plaintiff incurred non-economic and economic
4 damages, including but not limited to lost wages, future wage loss, other benefits, loss
5 of earning capacity, mental distress, physical damages, emotional distress, and pain and
6 suffering, in an amount to be proven at trial.

7 60. All Defendants are liable for said conduct under both vicarious liability
8 and on an agency relationship.

9 **SIXTH CAUSE OF ACTION**

10 **(NEGLIGENT SUPERVISION AND HIRING AND FAILURE TO TRAIN)**

11 61. Plaintiff hereby incorporates by reference all allegations contained in
12 paragraphs 1 through 60, above.

13 62. Defendants were negligent in training, hiring, managing, and/or
14 supervising their managers, supervisors, employees, and/or agents. Defendants were
15 aware or should have been aware of the unlawful actions of their managers, supervisors,
16 employees, and/or agents, and the failures to correct the wrongful conduct.

17 63. As a direct and proximate cause of Defendants' negligent supervision and
18 hiring and failure to train, Plaintiff incurred non-economic and economic damages,
19 including but not limited to lost wages, future wage loss, other benefits, loss of earning
20

1 capacity, mental distress, physical damages, emotional distress, and pain and suffering,
2 in an amount to be proven at trial.

3 **SEVENTH CAUSE OF ACTION**

4 **(RESPONDEAT SUPERIOR)**

5 64. Plaintiff hereby incorporates by reference all allegations contained in
6 paragraphs 1 through 63, above.

7 65. Defendants are liable for all actions of their employees, managers, and
8 supervisors under the Doctrine of *Respondeat Superior*. The conduct of these
9 employees, managers and agents was implicitly ratified by Defendants, and involved
10 retaliation. Defendants are therefore jointly and severally liable for the conduct of these
11 employees, managers, and agents, and for damages.

12 **EIGHTH CAUSE OF ACTION**

13 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

14 66. Plaintiff hereby incorporates by reference all allegations contained in
15 paragraphs 1 through 65, above.

16 67. The acts described herein were extreme and outrageous and were done
17 with the intention of inflicting severe emotional distress upon Plaintiff and were done
18 with reckless disregard as to whether such acts would cause Plaintiff severe emotional
19 distress.
20

1 emotional distress, and pain and suffering, in an amount to be proven at trial.

2 74. At no time did Plaintiff consent or acquiesce to any of Defendants' illegal
3 acts and/or illegitimate behaviors described above.

4 **V. PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays that the Court enter a judgment against Defendants
6 on her behalf for the following:

- 7 A. Special damages in an amount according to proof at trial;
- 8 B. General damages, including but not limited to physical, mental, and
9 emotional injury resulting from the acts complained of herein;
- 10 C. Attorney's fees, prejudgment interest, costs, punitive damages, liquidated
11 damages, and any other appropriate remedy as may be provided by law;
- 12 D. Compensation for any tax penalty associated with recovery; and
- 13 E. For such other and further relief as the court deems just and equitable.

14 **DATED** May 10, 2024.

15 **AKW LAW, P.C.**

16 /s/ Ada K. Wong

Ada K. Wong, WSBA #45936

17 /s/ Rolf Gardner Toren

Rolf Gardner Toren, WSBA #58597

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